

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1787.01
COMPLAINT INVESTIGATOR: Steve Starbuck
DATE OF COMPLAINT: July 25, 2001
DATE OF REPORT: August 23, 2001
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: October 9, 2001

COMPLAINT ISSUES:

Whether the Crown Point Community School Corporation and the Northwest Indiana Special Education Cooperative violated:

511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program as written, specifically, failing to provide extended school year services.

511 IAC 7-27-5(c) with regard to the school's alleged failure to provide the parent with a copy of the report of the case conference committee (CCC) meeting convened on June 1, 2001, within ten business days of the date of the CCC meeting.

FINDINGS OF FACT:

1. The student is sixteen years old, attends the eleventh grade, and has been determined eligible for special education due to autism and an emotional disability.
2. Form 209 of the IEP dated February 20, 2001, reflects that the CCC determined the student did not require extended school years services for the summer of 2001. The duration of the IEP is from February 21, 2001, to February 20, 2002. The parent signed the IEP indicating agreement with the recommendations made by the CCC and giving consent for the IEP to be implemented.
3. At the request of the parent, a CCC meeting was convened on April 24, 2001, to discuss one of the student's annual goals and to address the student's need for extended school year services.

The CCC Report reflects that the parent would like the student to participate in extended school year services during the summer of 2001. The CCC Report also indicates that school personnel were of the opinion that the student would not benefit from the summer program provided by the special education planning district because this program would not provide that social training needed by the student. Several suggestions were made by the CCC participants concerning a summer program for the student, although no agreement was reached by the CCC regarding this issue. The CCC report contains the statement that the parent is in agreement with the CCC report as written. Procedural safeguards were given to the parent and an explanation of these safeguards was waived by the parent.

4. At the request of the parent, a CCC meeting was convened on June 1, 2001, to discuss the student's need for extended school year services. At this time, the parent was informed the

special education planning district would not be offering job coaching or placement over the summer. The parent expressed disagreement with the planning district's decision not to provide a summer employment program. School personnel offered the parent assistance with helping the student obtain summer employment at three different job sites. The parent states she investigated these jobs opportunities and each required applications to be submitted months before the June 1st CCC meeting was convened. The CCC Report reflects no agreement was reached by the CCC concerning the issue of extended school year services. The CCC report reflects that the notes of the meeting were read and that all parties were in agreement with the CCC report. Procedural safeguards were given to the parent and an explanation of these safeguards was waived by the parent.

5. The parent states she never received a copy of the CCC Report concerning the CCC meeting convened on June 1, 2001. The parent is a teacher at the local high school, and she reports it is customary for the student's teacher of record to place all IEP documents concerning her child in her mailbox at the high school. In a written statement dated August 7, 2001, the student's teacher of record states all IEP paperwork and progress reports have been given to the parent via her mailbox at the local high school. The director reports in her written response, that the mailbox at school around June 4, 2001. The director reports an additional copy of the June 1st CCC Report was mailed to the parent on August 13, 2001. The parent states she never received the June 1st CCC Report in her mailbox at school, but does acknowledge receiving a copy of the June 1st CCC report in the mail within the past few days.

CONCLUSIONS:

1. Finding of Fact #2 indicates that CCC members determined that the student did not require extended school year services for the summer of 2001. Findings of Fact #3 and #4 reflect that although CCC meetings were convened on two additional occasions, consensus could not be reached among CCC participants regarding the student's need for extended school year services for the summer of 2001. Therefore, no violation of 511 IAC 7-27-7(a) is found.
2. Finding of Fact #3 reflects that the school was unable to provide documentation to verify that the parent received a copy of the June 1, 2001, CCC Report within ten business days of the date of the CCC meeting. Therefore, a violation of 511 IAC 7-27-5(c) is found.

The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Crown Point Community School Corporation and the Northwest Indiana Special Education Cooperative shall:

1. Send a memorandum to all appropriate school personnel reminding them of the requirements specified in 511 IAC 7-27-5(c). Submit a copy of the memorandum to the Division no later than September 28, 2001, with a listing of all personnel (name and title) to whom the memorandum was sent.

DATE REPORT COMPLETED: August 23, 2001

